

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 19698YCC
First Inventor or Application Identifier David B. Volkin
Title DNA VACCINE FORMULATIONS
Express Mail Label No.

22386 U.S. PTO
10/697233

103003

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification [Total Pages 95]
3. ☒ Drawing(s) (35 USC 113) [Total Sheets 33]
4. Oath or Declaration
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 14 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. ☐ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment papers (cover sheet & document(s))
8. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
9. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
10. ☐ Preliminary Amendment
11. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
12. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
13. ☒ Other: Req for filing Contin 37 CFR 1.53(b)

14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/948,337

Prior application information:

Examine. William O. Sandals

Group/Art Unit: 1636


For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

15. CORRESPONDENCE ADDRESS

☒ Customer Number

Customer No. 000210

NAME	J. Mark Hand				
ADDRESS	Merck & Co., Inc., P. O. Box 2000 - Patent Dept., RY60-30				
CITY	Rahway	STATE	NJ	ZIP CODE	07065-0907
COUNTRY	USA	TELEPHONE	732-594-3905	FAX	732-594-4720

Name	J. Mark Hand	Registration No. (Attorney/Agent)	36,545
Signature		Date	10/30/03

EXPRESS MAIL CERTIFICATE
DATE OF DEPOSIT October 30, 2003
EXPRESS MAIL NO. EV 321988490 US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.
MAILED BY Kathy Klutkowski DATE 10-30-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents,
P.O. Box 1450
Alexandria, Virginia 22313-1450

Prior Application:

Examiner	
Art Unit	

Sir: This is a request for filing a ☒ Continuation ☐ Divisional application, under 37 C.F.R. 1.53(b), of pending application Serial No. 09/948,337 filed on September 7, 2001 of David B. Volkin, Robert K. Evans, Mark Bruner (INVENTOR)

for DNA VACCINE FORMULATIONS (TITLE OF INVENTION)

- The enclosed comprises a copy of prior application Serial No. 09/948,337, as filed on September 7, 2001. The entire disclosure of this prior application is hereby incorporated by reference.
- The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Total Claims	41 - 20	21 x	\$18	\$378
Independent Claims	5 - 3	2 x	\$86	\$172
*Multiple Dependent Claims			\$290	\$770
Basic Fee (minimum amount required)				\$1,320
				Total Fee

- * Add this fee if application contains any multiple dependent claims, regardless of number.
- The Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

- ☒ Amend the specification by inserting before the first line the sentence:
-- This is a ☒ continuation, ☐ division of application Serial No. 09/948,337,
filed 9/7/01 which is a continuation of SN 09/414,671 filed 10/7/99, now aban. which is a continuation of SN 08/844,525 filed 4/18/97, now abandoned,
which claims benefit under 35 USC § 119(e) of provisional application 60/017,049, filed 4/26/96, now aband.
- ☐ Cancel in this application original claims: _____
- ☐ Preliminary amendment enclosed.
- ☐ Information Disclosure Statement/PTO-1449 enclosed.
- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- ☐ New formal drawings are enclosed.
- ☐ Priority of application Serial No. _____, filed _____,
in _____ is claimed under 35 U.S.C. 119.
(COUNTRY)
- ☐ The certified copy of the priority application has been filed in prior application Serial No. _____,
filed _____
- ☒ The prior application is assigned to Merck & Co., Inc. Rahway, New Jersey 07065
- ☒ The undersigned attorney or agent has:
 - ☒ Power in the prior application as originally filed.
 - ☐ Associate power, copy enclosed.

Respectfully,

J. Mark Hand
By: J. Mark Hand
Attorney _____ for Applicant(s)
Registration No. 36,545
Telephone: (732) 594-3905
Address: Merck & Co., Inc.
Patent Department
P.O. Box 2000 - RY60-30
Rahway, N.J. 07065-0907
Date: October 30, 2003

EXPRESS MAIL CERTIFICATE	
DATE OF DEPOSIT	<u>October 30, 2003</u>
EXPRESS MAIL NO.	<u>EV 321 988 490 US</u>
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.	
MAILED BY	<u>Kerry Kluthanski</u> DATE <u>10-30-03</u>

IN DUPLICATE

Enclosure